

## Cascades West Regional Consortium

*Addressing economic development opportunities or barriers  
Working for environmental & social good*

Oregon Cascades West Council of Governments  
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September 21, 2018

Department of State Lands  
Attn: Director Vickie Walker  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279

Dear Director Walker,

For nearly a decade, the Cascades West Regional Consortium (CWRC) has been working locally to address wetlands issues and seeking solutions to an inefficient and duplicative system of State and Federal review and permitting. In August 2018, the U.S. Army Corps of Engineers reversed position and became supportive of States and Tribes assuming Section 404 permit authority under the Clean Water Act. CWRC is supportive of efforts for State assumption. This change would ensure Oregon's robust permitting system continues to protect our natural resources, while providing a consistent and timely process for simultaneously obtaining State and Federal permits.

The existing redundant State and Federal permitting process are a significant obstacle to housing affordability and economic development in Oregon and our Region. Overall, the status quo of permitting has:

- Created a barrier for basic housing development and community and economic development efforts throughout our Region and the State. The redundancy of the two permitting processes hinders the speed of permit processing, brought on by the difference in permit review timelines between the U.S. Army Corps of Engineers (USACE) and the Department of State Lands (DSL).
- Increased pressure on local urban growth boundaries (UGBs). The redundancies and unpredictability of the USACE permitting process have established regulatory based "non-buildable" land, which are still included into local buildable lands inventory. Developers opt to build in other states, rural areas and green land, as opposed to facing the regulatory barriers and unknowns associated with wetlands within developed UGBs.
- Exacerbated the problem of economic vitality, housing affordability and had a negative impact on communities and the Oregon economy. Furthering the distance between home and work also contributes to longer commutes and travel, which in turn compounds the issues associated with emissions and fossil fuel consumption.

As just one example of how the current disconnected system has affected our Region, in October 2015 the Advance Aquatic Resource Plan for 19 industrial sites in Linn and Benton Counties was approved by DSL. This work was a culmination of a multi-year effort to find the best approach for balancing the protection of high value aquatic resources with the need for land on which to site larger-scale industrial development. The collaborative effort was a coordination by CWRC and Oregon Cascades West Council of Governments in partnership with the State of Oregon; the cities of Adair Village, Albany, Corvallis,

Lebanon, Millersburg, and Tangent; economic development partners; and landowners. Following DSL's approval, the USACE determined they could not issue a Letter of Permission for the industrial sites. While our initial efforts were successful with DSL, they failed to achieve any tangible result with USACE. The recent USACE determination has reignited our discussion and efforts for section 404 assumption by the State.

The recent change in federal position has created an opportunity for Oregon to remove these significant barriers. In taking on this authority, States and Tribes can facilitate job-creating economic development, address housing affordability and infrastructure needs, all while continuing to prioritize environmental protection.

It is the strong belief of CWRC that a single state-led process for State and federal permits would:

1. Continue to provide the current wetland protections offered by the DSL permitting process, as one of the most robust in the nation.
2. Provide greater local control and protection of our State's resources, including a more predictable timeframe and process for wetland protection and permitting.
3. Eliminate the duplication of permitting requirements which currently exists between the USACE and DSL.
4. Allow local and regional entities to engage in advance planning efforts for long-term sustainability and economic development efforts.

As a region impacted by this issue, we believe our Region is strategically driven to support DSL in this effort, through grassroots consensus building, outreach, and providing a local perspective on the benefits of State assumption. Additionally, the League of Oregon Cities (LOC) Community Development Policy Committee discussed and adopted a goal of having the League work on assumption as one of the LOC priorities.


The time is right for Oregon to explore Section 404 assumption. By creating a Wetlands Working Group that includes local government officials, planners, and Department of Land Conservation and Development representatives, DSL would take an important step toward improving wetland mitigation and permitting efforts. CRWC requests creation of such a group. This request recognizes the need to dedicate additional resources and staffing at the State level and CWRC encourages that investment in this effort which has the potential to improve wetland mitigation and permitting efforts well into the future.


Together with local entities, we stand ready to support DSL and Oregon on the path to a single State-led permitting process.


Signatures Page Attached

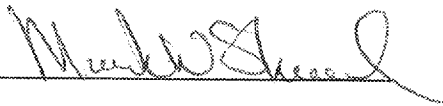
Cascades West Regional Consortium

  
City of Adair Village


  
City of Albany


  
City of Brownsville


  
City of Corvallis

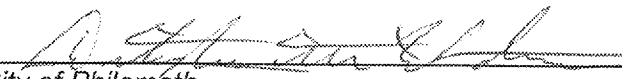



  
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